

SERVICE DATE - DECEMBER 22, 2000

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**ENVIRONMENTAL ASSESSMENT****AB-33(Sub-No. 158X)
Union Pacific Railroad Company
Abandonment Exemption****AB 406 (Sub-No. 12X)
Central Kansas Railway Limited Liability Company
Discontinuance Exemption****In McPherson, Ellsworth and Rice Counties, Kansas****Petition for Exemption****BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP) and Central Kansas Railway Limited Liability Company (CKR) (collectively Petitioners) filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with UP's abandonment of, and CKR's discontinuance of service over, a 28.02 mile rail line located in McPherson, Ellsworth and Rice Counties, Kansas. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, Petitioners will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

Petitioners state in the application that there is only one rail patron, Mid-Kansas Coop Association, located at the end of the line at Lindsborg. Petitioners state that this shipper receives only sporadic shipments of fertilizer (6 carloads in 1998, 5 in 1999, and 3 in 2000), and that alternative service is available via the area highway network.

ENVIRONMENTAL REVIEW

Petitioners submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Petitioners served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

The National Geodetic Survey (NGS) has identified 20 geodetic station markers that may be affected by the proposed abandonment. Therefore, Petitioners shall notify NGS at least 90 days prior to any salvage activities that may disturb or destroy these markers so that plans can be made for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measure, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 33 (Sub-No. 158X) and AB-406 (Sub-No. 12X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: **December 22, 2000.**

Comment due date: January 19, 2001. (30 Days)

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP TO BE SCANNED